IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

Chh.

No. 7:20-CV-00035-D

SHEREE ROSE CASTRO,)
Plaintiff)
Tantin)
v.) <u>DEFENDANT'S ORDER TO</u>
, ,) <u>MOTION</u>
) FOR 42 U.S.C. § 406(b) FEES
KILOLO KIJAKAZI,)
Acting Commissioner of)
Social Security,)
)
Defendant.)
)

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$17,695.77. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff's counsel will reimburse Plaintiff the amount in fees he previously received under the Equal Access Justice Act, 28 U.S.C. § 2412 in the amount of \$5,695.25.

Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$17,695.77.

SO ORDERED, This 11 day of January, 2023.

JAMES C. DEVER III
UNITED STATES DISTRICT JUDGE